

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Serial No.: 10/500,678
Applicant: Richard Kellerer
Filing Date: December 22, 2004
Title: Collapsible Container Comprising A Container Base and Four Collapsible Lateral Walls

Art Unit: 3727
Examiner: Unknown

Attorney Docket: BHB167A US

* * * * *

Petition For Maintaining Filing Date as Date of Deposit

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition is to request the originally assigned filing date of July 2, 2004, the date of deposit of the above-identified application pursuant to the requirements of 37 C.F.R. §1.10 as well as to reissue a corrected filing receipt designating the correct filing date of July 2, 2004.

The following documents were mailed using Express Mail to the Patent Office on July 2, 2004: §1.10 Certificate; Transmittal Letter to DO/EO/US Concerning a Filing under 35 U.S.C. §371 with filing fee check for \$974.00; Application in English with Claims, Abstract and Drawings; Notification of the Recording of a Change; International Search Report;

02/22/2005 MAHMED2 00000007 220212 10500678

01 FC:1462 270.00 DA 130.00 DP

BEST AVAILABLE COPY

International Publication; Preliminary Amendment; Substitute Specification, Marked Up Version of Application; and Postcard.

A copy of the return receipt postcard is attached as Exhibit A that shows that all of these documents were received and granted a filing date of July 2, 2004. At that time, a declaration was not included with the application. However, an executed declaration was submitted to the Patent Office on December 22, 2004 with a \$130.00 late filing fee. A copy of the return receipt postcard is included as Exhibit B to show the date of receipt to be December 22, 2004. On January 27, 2005, a filing receipt was received indicating the application had been given a filing date of December 22, 2004.

Granting of this petition is respectfully requested based on the following:

MPEP §506(f)(1) states as follows:

“...if an application has been accorded a filing date pursuant to paragraph (b) of this section does not include an oath or declaration by the applicant pursuant to §§1.63, 1.162 or §1.75, and applicant has provided a correspondence address (§ 1.33(a)), applicant will be notified and given a period of time within which to pay the filing fee, file an oath or declaration in an application under paragraph (b) of this section, and pay the surcharge required by §1.16(e) to avoid abandonment.”

Applicant's attorney submitted a correspondence address on the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US), filed July 2, 2004, Concerning a Filing Under 35 U.S.C. 371, a copy of which is enclosed herewith as Exhibit C. Applicants' attorney has never been notified by the Patent Office and given a period of time within which to file an oath or declaration.

Applicant's attorney respectfully requests the date of deposit, July 2, 2004 be given as the filing date for the above-identified application in view of the fact that the filing fee was

paid, the specification, claims and drawings were submitted, the executed declaration and late filing fee was paid and no notice was ever received from the Patent Office setting a period of time within which to file a declaration. Applicant's attorney respectfully requests that a new filing receipt be issued reflecting the original filing date of July 2, 2004.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



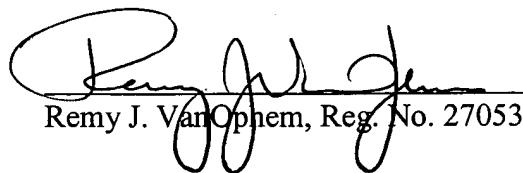
Remy J. VanOphem
Attorney for Applicant
Registration No. 27053

51543 Van Dyke Avenue
Suite 103
Shelby Township, MI 48316-4447
(586) 739-7445
Attorney Docket No. BHB167A US
RVO/ndt

Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on _____
February 16, 2005.

Date: February 16, 2005



Remy J. VanOphem, Reg. No. 27053

FEB 18 2005

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PETITION FEE**Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/500,678
Filing Date	December 22, 2004
First Named Inventor	Richard Kellerer
Art Unit	3727
Examiner Name	Unknown
Attorney Docket Number	BHB167A IIS

Enclosed is a petition filed under 37 CFR _____ that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 22-0212:
 petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ 130.00 is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

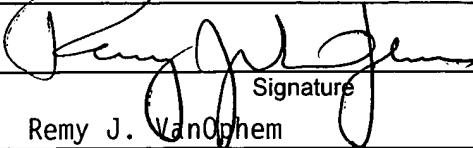
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.


Signature

Remy J. VanOphem

Typed or printed name

February 16, 2005

Date

27053

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



DT03 Rec'd PCT/PTO 02 JUL 2004

The below-identified patent application was received by the Patent Office on the date stamped hereon, and has been given the Serial Number stamped below:

Inventor(s): Richard Kellerer

Title: COLLAPSIBLE CONTAINER COMPRISING A CONTAINER BASE AND FOUR COLLAPSIBLE LATERAL WALLS

Pgs. of App 11; No. of Claims 23, Sheets of Drawings 4

Enclosing: §1.10 Certificate; Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C §371 with filing fee check of \$974; Application in English text with Claims, Abstract, and Drawings; Notification of the Recording of a Change, International Search Report; International Publication, Preliminary Amendment; Substitute Specification, Marked up version of application and Postcard

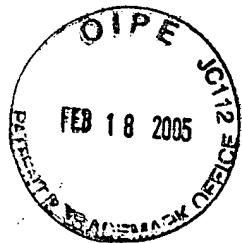
Attorney Docket: BHB167A US

7/2/lfp

Serial No. 10/500 678

Date _____

Exhibit B



The date of receipt at the Patent Office stamped hereon is acknowledgment of receipt of the following:

Type: Declaration

Serial No. 10/500,678 Examiner: Unknown
Filing Date: July 2, 2004 Inventor: Richard Kellerer

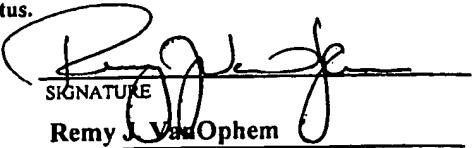
Enclosing: Declaration with Check of \$130.00 for late filing of
Declaration, with Postcard

Attorney Docket: BHB167A US



DT14 Rec'd PCT/PTO 22 DEC 2004

FORM PTO-1390 (REV. 01-2003).		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER BHB167A US
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5 10/500678
FEB 1 2005 INTERNATIONAL APPLICATION NO. PCT/EP/03/00006		INTERNATIONAL FILING DATE January 2, 2003		PRIORITY DATE CLAIMED January 3, 2002
TITLE OF INVENTION Collapsible Container Comprising a Container Base and Four Collapsible Lateral Walls				
APPLICANT(S) FOR DO/EO/US Richard Kellerer				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>				
<p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input checked="" type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input checked="" type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>				

U.S. APPLICATION NUMBER (37 CFR 1.491)		INTERNATIONAL APPLICATION NO. PCT/EP/03/00006	ATTORNEY'S DOCKET NUMBER BHB166A US																																																																	
10/500678		CALCULATIONS PTO USE ONLY																																																																		
<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1060.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$750.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$720.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</p> <p>ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 920.00</p>																																																																				
<p>Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p>																																																																				
<table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> <th>\$</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>23 - 20 =</td> <td>3</td> <td>x \$18.00</td> <td>\$ 54.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$84.00</td> <td>\$ 0</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td></td> <td>+ \$280.00</td> <td>\$ 0</td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 974.00</td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td> <td>\$</td> </tr> <tr> <td colspan="4">SUBTOTAL =</td> <td>\$ 974.00</td> </tr> <tr> <td colspan="4"> <p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p> </td> <td>\$</td> </tr> <tr> <td colspan="4">TOTAL NATIONAL FEE =</td> <td>\$ 974.00</td> </tr> <tr> <td colspan="4"> <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</p> </td> <td>\$</td> </tr> <tr> <td colspan="4">TOTAL FEES ENCLOSED =</td> <td>\$ 974.00</td> </tr> <tr> <td colspan="4"></td> <td>Amount to be refunded: \$</td> </tr> <tr> <td colspan="4"></td> <td>charged: \$</td> </tr> </tbody> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	23 - 20 =	3	x \$18.00	\$ 54.00	Independent claims	1 - 3 =	0	x \$84.00	\$ 0	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$ 0	TOTAL OF ABOVE CALCULATIONS =				\$ 974.00	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	SUBTOTAL =				\$ 974.00	<p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p>				\$	TOTAL NATIONAL FEE =				\$ 974.00	<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</p>				\$	TOTAL FEES ENCLOSED =				\$ 974.00					Amount to be refunded: \$					charged: \$
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<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 974.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 22-0212 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 22-0212. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>																																																																				
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</p>																																																																				
<p>SEND ALL CORRESPONDENCE TO:</p> <p> Remy J. VanOphem NAME 27053 REGISTRATION NUMBER</p>																																																																				
<p>VanOphem & VanOphem, PC 51543 Van Dyke Ave. Suite 103 Shelby Township, MI 48316</p>																																																																				

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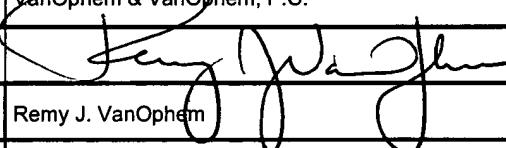
Total Number of Pages in This Submission

Application Number	10/500,678
Filing Date	December 22, 2004
First Named Inventor	Richard Kellerer
Art Unit	3727
Examiner Name	Unknown
Attorney Docket Number	BHB167A US

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Exhibits A, B, & C, & Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

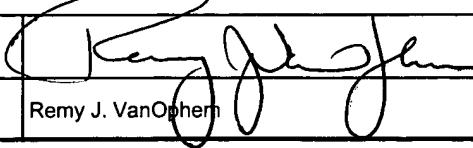
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	VanOphem & VanOphem, P.C.		
Signature			
Printed name	Remy J. VanOphem		
Date	February 16, 2005	Reg. No.	27053

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature



Typed or printed name

Remy J. VanOphem

Date

February 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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